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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2012-285

13 **JACQUELINE CATAN SIRUNO**
121 Goodell Road
Folsom, CA 95630

14 **Registered Nurse License No. 495601**

DEFAULT DECISION AND ORDER

15 **Respondent.**

[Gov. Code, §11520]

16
17 **FINDINGS OF FACT**

18 1. On or about November 4, 2011, Complainant Louise R. Bailey, M.Ed., RN, in her
19 official capacity as Executive Officer of the Board of Registered Nursing (Board), Department of
20 Consumer Affairs, filed Accusation No. 2012-285 against Jacqueline Catan Siruno (Respondent)
21 before the Board. A true and correct copy of the Accusation is attached as Exhibit A.

22 2. On or about August 31, 1993, the Board issued Registered Nurse License No. 495601
23 to Respondent. The Registered Nurse License was in full force and effect at all times relevant to
24 the charges brought in Accusation No. 2012-285 and will expire on October 31, 2012 unless
25 renewed. Pursuant to Business and Professions Code section 118(b), the lapse in licensure does
26 not deprive the Board of its authority to institute or continue this disciplinary proceeding.

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1 3. On or about November 4, 2011, Respondent was served by Certified and First Class
2 Mail copies of Accusation No. 2012-285, Statement to Respondent, Notice of Defense, Request
3 for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and
4 11507.7) at Respondent's address of record. Pursuant to California Code of Regulations, title 16,
5 section 1409.1, Respondent reported and maintained her official address with the Board, which
6 was and is: 121 Goodell Road, Folsom, CA 95630.

7 4. Service of the Accusation was effective as a matter of law under the provisions of
8 Government Code section 11505, subdivision (c) and/or Business and Professions Code section
9 124.

10 5. On or about December 21, 2011 the Certified Mail documents were returned by the
11 U.S. Postal Service marked "Unclaimed".

12
13 6. Government Code section 11506 states, in pertinent part:

14 (c) The respondent shall be entitled to a hearing on the merits if the respondent
15 files a notice of defense, and the notice shall be deemed a specific denial of all parts
16 of the accusation not expressly admitted. Failure to file a notice of defense shall
constitute a waiver of respondent's right to a hearing, but the agency in its discretion
may nevertheless grant a hearing.

17 7. Respondent failed to file a Notice of Defense within 15 days after service upon her of
18 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 2012-
19 285.

20 8. California Government Code section 11520 states, in pertinent part:

21 (a) If the respondent either fails to file a notice of defense or to appear at the
22 hearing, the agency may take action based upon the respondent's express admissions
23 or upon other evidence and affidavits may be used as evidence without any notice to
respondent.

24 9. Pursuant to its authority under Government Code section 11520, the Board finds
25 Respondent is in default. The Board will take action without further hearing and, based on the
26 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
27 taking official notice of all the investigatory reports, exhibits and statements contained therein on
28 file at the Board's offices regarding the allegations contained in Accusation No. 2012-285, finds

1 that the charges and allegations in Accusation No. 2012-285, are separately and severally, found
2 to be true and correct by clear and convincing evidence.

3 10. Taking official notice of its own internal records, pursuant to Business and
4 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
5 and Enforcement is \$11,441.25 as of February 27, 2012.

6 **DETERMINATION OF ISSUES**

7 1. Based on the foregoing findings of fact, Respondent Jacqueline Catan Siruno has
8 subjected her Registered Nurse License No. 495601 to discipline.

9 2. The agency has jurisdiction to adjudicate this case by default.

10 3. The Board of Registered Nursing is authorized to revoke Respondent's Registered
11 Nurse License based upon the following violations alleged in the Accusation supported by the
12 evidence contained in the Default Decision Evidence Packet in this case. Respondent committed
13 multiple acts of Unprofessional Conduct in violation of Business and Professions Code section
14 2761(a), by using her position of trust to obtain personal information from patients and
15 fraudulently obtained in excess of \$16,500.00 in loans from at least six (6) patients.

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ORDER

IT IS ORDERED that Registered Nurse License No. 495601, heretofore issued to Respondent Jacqueline Catan Siruno, is revoked. Respondent shall pay costs of enforcement in the amount of \$11,441.25.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on August 10, 2012.
It is so ORDERED July 12, 2012.



FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

default decision_LIC.rtf
DOJ Matter ID:SA2011101534

Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

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8 BEFORE THE
BOARD OF REGISTERED NURSING
9 DEPARTMENT OF CONSUMER AFFAIRS
10 STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 2002-285

12 JACQUELINE CATAN SIRUNO
121 Goodell Road
13 Folsom, CA 95630
14 Registered Nurse License No. 495601

ACCUSATION

15 Respondent.

16 Complainant alleges:

17 PARTIES

18 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
19 official capacity as the Executive Officer of the Board of Registered Nursing ("Board"),
20 Department of Consumer Affairs.

21 2. On or about August 31, 1993, the Board issued Registered Nurse License Number
22 495601 to Jacqueline Catan Siruno ("Respondent"). Respondent's registered nurse license was in
23 full force and effect at all times relevant to the charges brought herein and will expire on October
24 31, 2012, unless renewed.

25 STATUTORY PROVISIONS

26 3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that
27 the Board may discipline any licensee, including a licensee holding a temporary or an inactive

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1 license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing
2 Practice Act.

3 4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not
4 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or
5 to render a decision imposing discipline on the license. Under Code section 2811, subdivision
6 (b), the Board may renew an expired license at any time within eight years after the expiration.

7 5. Code section 2761 states, in pertinent part:

8 The board may take disciplinary action against a certified or licensed
9 nurse or deny an application for a certificate or license for any of the following:

10 (a) Unprofessional conduct . . .

11 COST RECOVERY

12 6. Code section 125.3 provides, in pertinent part, that the Board may request the
13 administrative law judge to direct a licensee found to have committed a violation or violations of
14 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
15 enforcement of the case.

16 CAUSE FOR DISCIPLINE

17 (Unprofessional Conduct)

18 7. Respondent is subject to disciplinary action pursuant to Code section 2761,
19 subdivision (a), in that while employed as a registered nurse at the DaVita Dialysis Center located
20 in Rancho Cordova, California ("DaVita"), Respondent committed acts constituting
21 unprofessional conduct, as follows: In and between July and August 2010, Respondent abused
22 her position as a registered nurse by obtaining confidential information, including home addresses
23 and telephone numbers, pertaining to the following patients of DaVita. Further, Respondent
24 fraudulently obtained over \$16,500 in loans from the patients¹ by falsely representing that she
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26 ¹ DaVita's written policy titled "Solicitation and Distribution" dated January 1, 2009,
27 stated that "[u]nder no circumstances may a teammate make solicitations in any form to patients,
28 except: 1) requests for patients to respond to patient satisfaction surveys, or 2) Company-wide
requests for patients to participate in such activities as writing letters to Congress or other
government entities". Examples of unauthorized patient solicitation included "asking for loans".

1 needed the money for a sick relative or so that she could return to the Philippines due to the death
2 of a family member when, in fact, Respondent was using the money for gambling.

3 Patient J. W.

4 a. In or about August 2010, Respondent called J. W., an 85 year old female who lived
5 alone and had no local family, and told her that her father was dying and that she needed money
6 to pay for his surgery. A few hours later, Respondent arrived at J. W.'s home. J. W. loaned
7 Respondent \$2,000. Respondent assured J. W. that she would pay her back in 1 to 2 weeks.
8 Later, Respondent issued J. W. a check, but it "bounced". Respondent eventually paid J. W. back
9 the money, but only after a complaint had been filed with the Citrus Heights Police Department.

10 Patient S. E.

11 b. In or about August 2010, Respondent contacted S. E., a 72 year old male, and told
12 him that her father had died and that she needed to go to the Philippines to tend to his affairs.
13 Respondent asked S. E. if he could loan her \$6,000. Later that same day, S. E. gave Respondent
14 \$3,000 in cash. A few weeks later, Respondent issued S. E. a check for \$1,500, but it bounced.
15 Respondent paid S. E. \$1,500 in cash to cover the check. Later, Respondent borrowed an
16 additional \$3,000 from S. E. Respondent has failed to pay S. E. any portion of the \$4,500.

17 Patient C. C.

18 c. In and between July and August 2010, Respondent called C. C., an 84 year old
19 female, and told her that her father was dying and that she needed \$3,000 to pay for his surgery.
20 C. C. loaned Respondent \$1,500. When Respondent failed to pay C. C. back the money as
21 promised, C. C. alerted her son, who contacted the Folsom Police Department. Respondent
22 eventually repaid C. C. the \$1,500.

23 Patient S. D.

24 d. S. D. met Respondent while he was receiving dialysis treatments at DaVita.
25 Respondent was often S. D.'s nurse. In or about July 2010, Respondent approached S. D. and
26 told him that she needed money because her father had died. S. D. loaned Respondent \$2,000. In
27 or about December 2010, S. D. called Respondent and asked for his money back. Respondent
28 never returned any portion of the \$2,000 to S. D.

1 Patient D. M.

2 e. D. M. met Respondent while he was receiving dialysis treatments at DaVita.
3 Respondent was often D. M.'s nurse. In or about August 2010, Respondent told D. M. that she
4 needed money so that she could tend to her dying father. D. M. loaned Respondent \$1,500. In or
5 about October 2010, Respondent issued D. M. a check for \$500, but it bounced. Respondent
6 eventually gave D. M. \$500, but never repaid the remaining \$1,000.

7 Patient J. M.

8 f. J. M. met Respondent while he was receiving dialysis treatments at DaVita.
9 Respondent was J. M.'s nurse on various occasions. On or about August 5, 2010, Respondent
10 told J. M. that she needed to go to the Philippines to tend to her dying father and asked him for a
11 loan. J. M. gave Respondent \$2,500 in cash. Respondent eventually repaid J. M. the money.

12 PRAYER

13 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
14 and that following the hearing, the Board of Registered Nursing issue a decision:

- 15 1. Revoking or suspending Registered Nurse License Number 495601, issued to
16 Jacqueline Catan Siruno;
17 2. Ordering Jacqueline Catan Siruno to pay the Board of Registered Nursing the
18 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
19 Professions Code section 125.3;
20 3. Taking such other and further action as deemed necessary and proper.

21
22 DATED: November 4, 2011

Louise R. Bailey
LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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